

INDIANA

Specific requirement to report sexual assault? No.

Requirement to report non-accidental or intentional injuries? No.

Requirement to report injuries caused by criminal conduct? No.

Additional statutes that may impact competent adult victims of sexual assault? There is a requirement to report injuries from guns, firearms, knives, ice picks, and other sharp pointed instruments, as well as certain burns and injuries caused by the manufacture or use of destructive devices.

STATUTES ADDRESSING PAYMENT FOR EXAMINATIONS

Burns Ind. Code Ann. § 16-21-8-5. Conditions for compensation or reimbursement

(a) The division may not award compensation or reimbursement under this chapter unless the following conditions are met:

(1) If the victim is at least eighteen (18) years of age:

(A) the sex crime must be reported to a law enforcement officer within ninety-six (96) hours after the crime's occurrence; and

(B) the victim must cooperate to the fullest extent possible with law enforcement personnel to solve the crime.

(2) If the victim is less than eighteen (18) years of age, a report of the sex crime must be made to child protective services or a law enforcement officer. The division may not deny an application for reimbursement under this subdivision based on the victim reporting the sex crime more than ninety-six (96) hours after the crime's occurrence.

(b) If the division finds a compelling reason for failure to report to or cooperate with law enforcement officials and justice requires, the division may suspend the requirements of this section.

(c) A claim filed for services provided at a time before the provision of the emergency services for which an application for reimbursement is filed is not covered under this chapter.

HISTORY: P.L.2-1993, § 4; P.L.47-1993, § 9; P.L.90-2005, § 7.

EFFECTIVE DATES. P.L.90-2005, § 9, declared an emergency. Approved April 26, 2005.

Burns Ind. Code Ann. § 5-2-6.1-39. Reimbursement for hospital services

(a) When a hospital acting under IC 16-21-8 provides emergency services to an alleged sex crime victim, the hospital shall furnish the services without charge. The victim services division of the Indiana criminal justice institute shall reimburse a hospital for its costs in providing the services and shall adopt rules and procedures to provide for reimbursement. A hospital may not charge the victim for services required under this chapter, despite delays in reimbursement from the victim services division of the Indiana criminal justice institute.

(b) Costs incurred by a hospital or other emergency medical facility for the examination of the victim of a sex crime (under IC 35-42-4) not covered under IC 16-21-8 or incest (under IC 35-46-1-3), if the examination is performed for the purposes of gathering evidence for possible prosecution, may not be charged to the victim of the crime. The costs shall be treated as local costs and charged to the appropriate local governmental agency as follows:

(1) If the treatment or services are provided at a county or city hospital, or hospital district facility, the county shall pay the expenses.

(2) If the treatment or services are provided at a private hospital, the expenses are paid by the county in whose jurisdiction the alleged crime was committed.

(c) When a licensed medical service provider not covered by subsection (a) or (b) elects to provide emergency services to an alleged victim of one (1) or more of the sex crimes listed in IC 16-21-8-1(b), the medical service provider shall furnish the services without charge. The victim services division of the Indiana criminal justice institute shall reimburse a medical service provider for costs in providing the services listed in subsection (d) if:

(1) the victim or claimant has:

(A) reported the sex crime to a law enforcement officer within forty-eight (48) hours after the crime occurred; and

(B) has cooperated fully with law enforcement personnel to solve the crime; or

(2) the victim services division of the Indiana criminal justice institute finds a compelling reason for failure of the victim or claimant to report to or cooperate with law enforcement officials.

(d) If the requirements of subsection (c) are met, the victim services division of the Indiana criminal justice institute shall reimburse a medical service provider for costs in providing the following services:

(1) Appropriate medical care.

(2) Appropriate procedures for acquiring adequate evidence that may be used in a criminal proceeding against a person accused of the sex crime.

(3) Records of the results of examinations and tests made by the hospital.

(4) Appropriate counseling for the victim.

A medical service provider may not charge the victim for services because the victim services division of the Indiana criminal justice institute delays in reimbursing the provider.

(e) Costs incurred by a licensed medical service provider for the examination of the victim of a sex crime (under IC 35-42-4) not covered under IC 16-21-8 or incest (under IC-25-46-1-3) may not be charged to the victim of the crime if the examination is performed for the purposes of gathering evidence for possible prosecution. The costs are local costs to be paid by the county in which the alleged crime was committed.

REPORTING STATUTES WHICH MAY IMPACT RAPE VICTIMS

Burns Ind. Code Ann. § 35-47-7-1. Report of injuries from gun, firearm, knife, ice pick or other sharp or pointed instrument

Every case of a bullet wound, gunshot wound, powder burn, or any other injury arising from or caused by the discharge of a firearm, and every case of a wound which is likely to or may result in death and is actually or apparently inflicted by a knife, ice pick, or other sharp or pointed instrument, shall be reported at once to the law enforcement authorities of the county, city, or town in which the person reporting is located by either the physician attending or treating the case, or by the manager, superintendent, or other person in charge if the case is treated in a hospital, clinic, sanitarium, or other facility or institution. A person who violates this section commits a Class A misdemeanor.

HISTORY: IC 35-47-7-1, as added by P.L.311-1983, § 32.

Burns Ind. Code Ann. § 35-47-7-3. Burn injury reports

(a) As used in this section, "burn" includes chemical burns, flash burns, and thermal burns.

(b) If a person is treated for:

(1) A second or third degree burn to ten percent (10%) or more of the body;

(2) Any burn to the upper respiratory tract or laryngeal edema due to the inhalation of superheated air; or

(3) A burn that results in serious bodily injury;

the physician treating the person, or the hospital administrator or the hospital administrator's designee of the hospital or ambulatory outpatient surgical center (if the person is treated in a hospital or outpatient surgical center), shall report the case to the state fire marshal within seventy-two (72) hours. This report may be made orally or in writing and shall be considered confidential information.

(c) If a person is treated for a second or third degree burn to less than ten percent (10%) of the body, the attending physician may report the case to the state fire marshal under subsection (b).

(d) The state fire marshal shall ascertain the following when a report is made under this chapter:

(1) Victim's name, address, and date of birth.

(2) Address where burn injury occurred.

(3) Date and time of injury.

(4) Degree of burns and percent of body burned.

(5) Area of body burned.

(6) Injury severity.

(7) Apparent cause of burn injury.

(8) Name and address of reporting facility.

(9) Attending physician.

HISTORY: P.L.328-1987, § 1.

Burns Ind. Code Ann. § 35-47-7-5. Reporting of injuries caused by manufacture or use of destructive devices

The:

(1) physician who treats a person; or

(2) administrator or the administrator's designee of the hospital or outpatient surgical center where a person was treated;

who has reason to believe that the physician or hospital is treating a person for an injury that was inflicted while the person was making or using a destructive device shall report the case to a local

law enforcement agency not more than seventy-two (72) hours after the person is treated. The report may be made orally or in writing.

HISTORY: P.L.123-2002, § 46.

Burns Ind. Code Ann. § 35-47.5-4-7. Reporting of injuries related to manufacture of destructive devices

A physician or hospital that has reason to believe that the physician or hospital is treating a person for an injury inflicted while the person was making or using a destructive device shall report the injury to a local law enforcement agency under IC 35-47-7-5.

HISTORY: P.L.123-2002, § 50.